

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MORGAN STANLEY DW INC.

Plaintiff

vs

CIVIL 04-1106CCC

CARLOS SOTO
ISABEL CRUZ, THE CONJUGAL
PARTNERSHIP CONSTITUTED BY THEM,
in their personal character and doing business
as MANATI CORPORATION,
BASLEY ADV. CORPORATION,
ICR CORPORATION,
ASFALTO DEL NOROESTE
and CONCRETERA DEL NOROESTE

Defendants

O R D E R

Having considered the Motion to Compel Morgan Stanley, the SEC and the United States to Discover Evidence filed by defendant Isabel Cruz de Soto on May 19, 2005 (**docket entry 91**) and the Opposition to Motion to Compel to Discover Evidence filed by plaintiff Morgan Stanley DW Inc. (Morgan Stanley) on June 1, 2005 (**docket entry 93**),¹ said motion is DENIED for movant's failure to certify that she had "in good faith conferred or attempted to confer with the party not making the disclosure in an effort to secure the disclosure without court action" as required by Fed.R.Civ.P. 37(a)(2)(A).

Having considered the Urgent Motion Requesting Leave to Sell Car and Use Half of Proceeds for Living Expenses and Repair of Older Vehicle filed by defendant Isabel Cruz de Soto on June 21, 2005 (**docket entry 100**), the Opposition to Motion Requesting Leave to Sell Car and Use Half of the Proceeds filed by plaintiff Morgan Stanley on June 28, 2005 (**docket entry 101**), defendant's Reply to the Opposition filed on July 12, 2004 and allowed by the

¹ Defendant's Response to Opposition to Motion to Compel Discovery filed on June 3, 2005 (docket entry 95) has not been considered by the Court since she failed to request leave before filing it as required by Local Rule 7.1(c).

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Court on August 5, 2005 (**docket entry 102**) and Morgan Stanley's Surreply to Response tendered on July 26, 2005 and allowed by the Court today, said motion is DENIED.

The Motion to Stay Discovery Pending Resolution of Restitution in the Criminal Proceedings Against Carlos Soto filed by plaintiff Morgan Stanley on July 18, 2005 (**docket entry 103**) is DENIED AS MOOT.

The Leave to File Tendered Surreply to Docket No. 102 filed by plaintiff Morgan Stanley on July 26, 2005 (**docket entry 104**) is GRANTED. The tendered surreply, which the Court has already considered in ruling on the Urgent Motion Requesting Leave to Sell Car (**docket entry 100**), is ORDERED FILED.

The Motion to Reconsider Order Dated August 5, 2005 and Request to Amend Sentence Imposed so as to Amend Percentages and Include Mrs. Cruz de Soto's Participation in Seized Assets filed by defendant Isabel Cruz de Soto on August 18, 2005 (**docket entry 111**) is DENIED. The Court NOTES that the identical motion filed in defendant Carlos Sotos' criminal case, U.S. v. Carlos Soto, Crim. No. 04-127(CCC), was denied on October 17, 2005 (see Crim. 04-127(CCC), docket entries 175 & 194).

The Motion for Leave to File Supplementary Motion to Request for Reconsideration of Docket Entry 107 filed by defendant Isabel Cruz de Soto on September 13, 2005 (**docket entry 113**) is DENIED. The Court NOTES that the identical motion filed in defendant Carlos Sotos' criminal case, U.S. v. Carlos Soto, Crim. No. 04-127(CCC) was denied on October 17, 2005 (see Crim. 04-127(CCC), docket entries 183 & 194).

SO ORDERED.

At San Juan, Puerto Rico, on January 20, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge